



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

OFFICE OF THE
REGIONAL ADMINISTRATOR

Mr. Dan Oberlatz
Alaska Wilderness Recreation & Tourism
2207 Spenard Road
Anchorage, Alaska 99503

Dear Mr. Oberlatz:

I appreciate your writing to me about the Environmental Protection Agency's (EPA) potential regulatory actions regarding the proposed Pebble Mine. To date we have received many letters from people who have an interest in this issue. Some are requesting that EPA use its authority under Section 404(c) of the Clean Water Act (CWA) to protect Bristol Bay and prevent the opening of the proposed mine. Others prefer any proposed mining project proceed through the federal and state permit processes before deciding whether to take a CWA Section 404(c) action. We are interested in hearing all perspectives on this issue.

Congress created both the 404(c) process and the federal permitting process when it passed the Clean Water Act in 1972. The 404(c) process was created both as a check on the permitting process to ensure that aquatic resources that provide critically important economic and ecological functions are protected, and as a means for preventing the undue expense of engaging the permit process in places where aquatic resources are too important to risk.

EPA is currently evaluating information to make a determination as to whether protection of the Bristol Bay Watershed through a 404(c) process is in fact warranted. Please be aware that initiation of a 404(c) process is not a decision to prohibit mining at the proposed Pebble Mine site, but would be a commitment to explore the issue. EPA has not made a decision on what, if any, action to take at this time. Please be assured that any decision will be based on the best available science and modern mining practices. If we decide to begin a 404(c) process, EPA will also fulfill its obligation for government-to-government consultation with native villages that might be affected by our actions. In addition, we will conduct a public process to provide an open opportunity for input and comment.

If you have questions, concerns or wish to share additional information, please contact Ms. Kate Kelly, Director for the Office of Ecosystems, Tribal and Public Affairs. Kate can be reached at (206) 553-1271.

Sincerely,

Dennis J. McLerran
Regional Administrator